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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/829,887

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(66180.3000)

8547

7590

06/08/2004

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EXAMINER

ESCALANTE, OVIDIO

ART UNIT

PAPER NUMBER

2645

*[Handwritten mark]*

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/829,887

Applicant(s)

MEAD ET AL.

Examiner

Ovidio Escalante

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-35 and 39-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-35 and 39-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to applicant's amendment filed on March 18, 2004. **Claims 1-7,10-35,39-68** are now pending in the present application.

#### ***Claim Objections***

2. Claim 35 is objected to because of the following informalities: in line 7, "intermediate" should be changed to '--immediate--'. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 67-68 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In newly added independent claim 67, the limitation "parsing the email message to determine a sending priority" was not previously described in the specification. It appears that the specification supports determining the priority of an e-mail message however, there is no parsing of the e-mail message to determine the priority.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Lundberg et al. EP 0890907 A1.

***Regarding claim 1***, Lundberg teaches an e-mail system for use by a passenger in a vehicle, (abstract), said passenger having access to a terminal (UT1-UTn), (col. 3, lines 37-46; col. 4, lines 1-13; fig. 2), the e-mail system comprising:

a first server (proxy server 10; col. 1, lines 39-48; col. 2, lines 38-55) located on said vehicle (aircraft), wherein said first server is configured to transport e-mail between said first server and said terminal, (col. 4, lines 1-13,43-49; col. 5, lines 11-19);

a second server (7,15) external to said vehicle, wherein said second server is configured to transport e-mail between said second server and a data network, (col. 4, lines 43-53; col. 5, lines 11-27); and

a communications system configured to operate in a plurality of wireless modes to thereby wirelessly transfer e-mail between said first server (col. 3, lines 16-30) and said second server, (col. 2, lines 15-24; col. 5, lines 20-27), wherein the plurality of wireless modes comprises an immediate mode (col. 2, lines 15-27; col. 5, lines 20-24) and a batch mode (col. 5, lines 11-19; col. 2, lines 9-14) and wherein the wireless mode used to transfer email between the first server and the second server is selected to minimize the overall cost of operating the e-mail system, (col. 2, lines 9-24; col. 5, lines 11-24).

***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 67-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lundberg in view of Gilchrist et al. US Patent 6,205,471.

***Regarding claim 67***, Lundberg teaches a method of transferring an email message from an airborne server (proxy server 10) to a terrestrial server (7 or 15), (abstract), the method comprising the steps of:

receiving the email message from the user, (col. 5, lines 20-27);

selecting one of a plurality of transfer modes for sending the email as a function of the sending priority, wherein the plurality of transfer modes comprises an immediate mode and a batch mode, (col. 2, lines 9-24; col. 5, lines 20-27); and

transmitting the email message using the immediate mode if the sending priority is high, (col. 5, lines 11-24), and otherwise transmitting the mail message using the batch mode to thereby minimize the cost of transferring the message, (col. 2, lines 9-24).

While Lundberg teaches of sending important messages immediately, Lundberg does not specifically teach parsing the email message to determine a sending priority.

Gilchrist teaches that an envelope object is defined by the framework to hold information about an e-mail message, such as its priority, title, subject matter, and so forth. This information is also known as e-mail "header" information, as it describes attributes of an e-mail message to the messaging service. Each e-mail will have an envelope object associated with the e-mail message and the envelope objects help determine the processing that the e-mail message

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will receive, (col. 20, lines 8-27). Gilchrist teaches that every message must be parsed to retrieve this "header" (e.g. priority) information, (col. 30, lines 9-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lundberg by parsing the e-mail message as taught by Gilchrist so that the system will know that the message is an important message.

**Regarding claim 68**, Lundberg teaches charging a fee to the user for transferring the email message, wherein the fee for using the immediate mode is greater than the fee for using the batch mode, (col. 5, lines 1-10, 20-27).

9. Claims 1-7, 10-16, 18-35, 39-41, 43-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bastian WO 00/14987 in view of Lundberg et al. EP 0890907 A1.

**Regarding claim 1**, Bastian teaches an e-mail system for use by a passenger in a vehicle, said passenger having access to a terminal, (page 14, lines 11-20), the e-mail system comprising:

a first server (20) located on said vehicle, wherein said first server is configured to transport e-mail between said first server and said terminal, (page 14, line 17-page 15, line 5);

a second server external to said vehicle, wherein said second server is configured to transport e-mail between said second server and a data network, (page 15, lines 6-22); and

a communications system (80; fig. 1) configured to wirelessly transfer e-mail between said first server and said second server, (fig. 1; page 15, lines 4-22).

Bastian does not specifically teach of operating in a plurality of wireless modes which comprise an immediate mode and a batch mode.

Lundberg teaches an e-mail system for transferring an email message from an airborne server (proxy server 10) to a terrestrial server (7 or 15), (abstract) by receiving the email message

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from the user, (col. 5, lines 20-27) and selecting one of a plurality of transfer modes for sending the email as a function of the sending priority, wherein the plurality of transfer modes comprises an immediate mode and a batch mode, (col. 2, lines 9-24; col. 5, lines 20-27) and transmitting the email message using the immediate mode if the sending priority is high, (col. 5, lines 11-24), and otherwise transmitting the mail message using the batch mode to thereby minimize the cost of transferring the message, (col. 2, lines 9-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bastian by operating in a plurality of wireless modes as taught by Lundberg so that the user can determine whether or not they want to send important messages immediately or can have the option of waiting to save money.

***Regarding claims 2, 7 and 53***, Bastian teaches said communications system is configured to deliver an e-mail offer to said terminal, (page 29, lines 6-10); and

said communications system is configured to selectively transfer e-mail messages to said first server based upon requests from said passenger in response to said e-mail offer, (page 29, lines 5-19).

***Regarding claims 3 and 54***, Bastian teaches wherein said e-mail offer comprises a subject header identifying an e-mail available for upload, an indication of who sent said e-mail, and a price for delivering said e-mail to said terminal, (page 29, lines 5-19).

***Regarding claims 4 and 60***, Bastian teaches said terminal is a laptop computer (page 18, lines 9-20) configured with information identifying a home e-mail server;

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said communications system is further configured to route e-mail to and from said laptop computer through said first server regardless of said laptop computer configuration, (page 27, lines 17-21; page 20, lines 17-21); and

said first server emulates said home e-mail server, (page 26, lines 10-13).

**Regarding claim 5**, Bastian teaches said second server is configured to periodically poll said home e-mail server for inbox messages, (page 16, lines 11-18).

**Regarding claims 6 and 50**, Bastian teaches wherein said second server is configured to receive e-mail forwarded from said home e-mail server, (page 16, lines 13-16; page 29, line 20- page 30, line 10).

**Regarding claims 10 and 39**, Bastian in view of Lundberg teach said communications system is further configured to select one of said plurality of wireless communication modes based on mode selection criteria, (col. 2, lines 9-24; col. 5, lines 20-27, Lundberg).

As stated above, it would have been obvious to modify Bastian to operate in a plurality of modes so that the user can determine whether or not they want to send important message at that moment or can have the option of waiting to save money.

**Regarding claims 11 and 40**, Bastian teaches wherein said mode selection criteria comprises an increase in data throughput, (page 28, line 12 - page 29, lines 11-19).

**Regarding claim 12 and 41**, Bastian as applied above, does not specifically teach wherein said mode selection criteria comprises an urgency of transferring an e-mail message.

Lundberg teaches an e-mail system for transferring an email message and selecting one of a plurality of transfer modes for sending the email as a function of the sending priority and

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transmitting the email message using an immediate mode if the sending priority is high, (col. 5, lines 11-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bastian by determining the urgency of a message as taught by Lundberg so that the user can determine whether or not they want to send important messages immediately or can have the option of waiting to save money.

***Regarding claims 13 and 43***, Bastian teaches wherein said mode selection criteria comprises a transmission cost associated with said wireless communication mode, (page 29, lines 11-19).

***Regarding claims 14 and 44***, Bastian teaches wherein said mode selection criteria comprises an amount a user is willing to pay, (page 29, lines 11-19).

***Regarding claims 15 and 45***, Bastian teaches wherein said mode selection criteria comprises a time since a last transfer of data, (page 15, lines 15-22).

***Regarding claims 16,46 and 47***, Bastian in view of Lundberg, teach placing e-mail data in a queue to be sent and received in batches when operating in the batch mode, (col. 2, lines 9-24, Lundberg).

As stated above, it would have been obvious to modify Bastian to operate in a plurality of modes so that the user can determine whether or not they want to send important messages immediately or can have the option of waiting to save money.

***Regarding claims 18 and 55***, Bastian teaches wherein said plurality of wireless communication modes comprises a data transfer via a satellite connection, (page 23, lines 6-15; page 25, lines 1-6).

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***Regarding claims 19 and 56***, Bastian teaches wherein said plurality of wireless communication modes comprises a radio frequency connection, (page 3, lines 11-18).

***Regarding claims 20 and 57***, Bastian in view of Lundberg teaches wherein said plurality of wireless communication modes further comprises a gatelink connection, and wherein the communication system is further configured to select between the gatelink connection and the satellite connection to thereby minimize overall cost of the e-mail system, (page 23, lines 6-15; page 25, lines 1-6). Lundberg, as applied above, teaches that using a gatelink is less expensive than the satellite communication since the system preferably uses the gatelink to transfer the messages.

***Regarding claims 21 and 58***, Bastian teaches wherein said communication system is configured to transfer compressed data, (page 11, line 11).

***Regarding claims 22 and 59***, Bastian teaches wherein said communication system is configured to transfer encrypted data, (page 12, lines 5-20).

***Regarding claim 23***, Bastian teaches a vehicle data network configured to transport an e-mail message between said terminal and said first server, (fig 5; page 27, lines 17-21).

***Regarding claims 24 and 61***, Bastian teaches wherein said vehicle data network comprises a World Wide Web server, (page 11, lines 16-20).

***Regarding claims 25 and 62***, Bastian teaches wherein said vehicle data network comprises an email server emulating an e-mail server identified by said passenger, (page 15, lines 15-22).

***Regarding claim 26 and 63***, Bastian teaches wherein said terminal communicates with said first server via a modem interface unit, (page 2, lines 7-17; page 35, lines 6-15).

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**Regarding claim 27**, Bastian teaches wherein said terminal communicates with said first server via an in-flight entertainment system, (page 31, lines 5-16).

**Regarding claim 28**, Bastian does not specifically teach wherein said terminal communicates with said first server via a wireless interface unit.

Lundberg teaches that it was well know that to have the terminal communicate with the first server via a wireless (infrared connection) interface, (col. 4, lines 9-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the terminal connection of Bastian by using a wireless connection from the terminal to the server as taught by Lundberg so that a less expensive interface can be used and so that greater user mobility of the terminal can be used.

**Regarding claim 29**, Bastian teaches wherein said terminal comprises a kiosk, (page 31, lines 5-16).

**Regarding claim 30**, Bastian teaches wherein said terminal comprises a laptop computer, (page 18, lines 19-20).

**Regarding claim 31**, Bastian teaches wherein said terminal comprises a keyboard, (page 18, lines 19-20).

**Regarding claim 32**, Bastian teaches wherein said terminal comprises a palm pilot, (page 18, lines 9-20).

**Regarding claim 33**, Bastian teaches wherein said second server is further configured to provide e-mail accounts for said users, (page 18, lines 9-20).

**Regarding claim 34**, Bastian teaches wherein said vehicle is an airplane, (page 16, lines 5-18).

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*Regarding claim 35*, Bastian teaches a method of transporting e-mail messages between a data network and a terminal on a vehicle, (page 14, lines 11-20), the method comprising the steps of:

receiving a message from a terminal on said vehicle at a first server on said vehicle, (page 14, lines 17-page 15, line 5);

establishing a data connection between said first server and a second server, wherein said second server is located on said data network and external to said vehicle, (page 15, lines 6-22);

transporting e-mail between said first server and said second server via a wireless connection, (fig. 1; page 15, lines 4-22).

Bastian does not specifically teach of operating in a plurality of wireless modes which comprise an immediate mode and a batch mode.

Lundberg teaches an e-mail system for transferring an email message from an airborne server (proxy server 10) to a terrestrial server (7 or 15), (abstract) by receiving the email message from the user, (col. 5, lines 20-27) and selecting one of a plurality of transfer modes for sending the email as a function of the sending priority, wherein the plurality of transfer modes comprises an immediate mode and a batch mode, (col. 2, lines 9-24; col. 5, lines 20-27) and transmitting the email message using the immediate mode if the sending priority is high, (col. 5, lines 11-24), and otherwise transmitting the mail message using the batch mode to thereby minimize the cost of transferring the message, (col. 2, lines 9-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bastian by operating in a plurality of wireless

modes as taught by Lundberg so that the user can determine whether or not they want to send important message at that moment or can have the option of waiting to save money.

**Regarding claim 48**, Bastian teaches wherein said step transporting e-mail between said second server and a data network further comprise an e-mail retrieval step wherein an e-mail message is transmitted to said second server, (page 16, lines 11-18).

**Regarding claim 49**, Bastian teaches wherein said e-mail retrieval step further comprises the step of polling a home e-mail server by said second server and retrieving said e-mail message from said home e-mail service, (page 16, lines 11-18).

**Regarding claim 51**, Bastian teaches the step of establishing an e-mail account for said user, (page 18, line 9-page 19, line 7).

**Regarding claim 52**, Bastian teaches the step of receiving an e-mail message sent to said e-mail account, (page 29, lines 11-19).

**Regarding claims 64-66**, Bastian teaches a digital storage medium having computer-executable instructions stored thereon, wherein said computer-executable instructions are operable to execute the method of claims 35,39,53, (abstract; figs. 1-2).

10. Claims 17 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bastian in view of Lundberg and further in view of Wright et al. US Patent 6,173,159.

**Regarding claims 17 and 42**, while Bastian and Lundberg teach of mode selection criteria Bastian and Lundberg do not specifically teach wherein the mode selection comprises an urgency of the message or the amount of data accumulated.

Wright teaches that it was well known in the art to have mode selection criteria which is based on the importance of a message and the amount of data, (col. 5, lines 59-65; col. 11, lines

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26-38). Wright also wherein a terminal (PC's in cabin) communicates with a first server via a wireless interface unit, (col. 10, lines 6-19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bastian by having the mode selection being based on urgency and the amount of data in the queue as well as using a wireless interface unit as taught by Wright so that the terminal can communicate with the server at a higher bandwidth and so that important messages can be sent first. This will allow a user to send priority e-mail messages if they are determined to be urgent.

***Response to Arguments***

11. Applicant's arguments with respect to claims 1-7,10-35,39-68 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

(703) 872-9306, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA, Sixth Floor (Receptionist).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 703-308-6262. The examiner can normally be reached on M-F (6:30AM - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ovidio Escalante  
Examiner  
Group 2645  
May 28, 2004

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', is written over the printed name and title.